

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
11-sc-416 (PJS/JJK)

UNITED STATES OF AMERICA,)
ex rel., Andrew Ellis, Harriet Ellis,)
and Michael W. Blodgett,)
)
Plaintiff-Relators,)
)
v.)
)
City of Minneapolis et al.,)
)
Defendants.)

FILED UNDER SEAL

UNITED STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relators to maintain the action in the name of the United States; provided, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relators or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests

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that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek dismissal of the relators' action or claim under 31 U.S.C. § 3730(e)(4). The United States also requests that it be served with all notices of appeal.

The United States requests that the relators' First Amended Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making election to intervene should be extended.

A proposed order accompanies this Notice.

Dated: June 18, 2012

Respectfully submitted,
B. TODD JONES
United States Attorney



BY: ANN M. BILDTSSEN
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DISTRICT OF MINNESOTA
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UNITED STATES OF AMERICA,)
ex rel., Andrew Ellis, Harriet Ellis,)
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v.)

City of Minneapolis et al.,)

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**CERTIFICATE OF SERVICE
OF NOTICE AND PROPOSED
ORDER**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the State and District of Minnesota and is a person of such age and discretion as to be competent to serve papers.

That on June 18, 2012, she served a copy of the attached:

**United States' Notice of Election to Decline Intervention; Proposed Order;
and Certificate of Service**

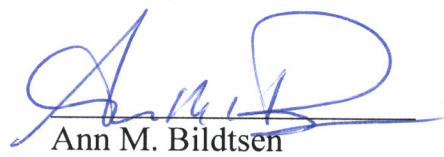
by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Minneapolis, Minnesota.

Addressee:

Andrew Ellis
Harriet Ellis
5201 Belmont
Minneapolis, MN 55419

Michael Blodgett
3064 E. 85th
Inver Grove Heights, MN 55076

Dated: June 18, 2012

A handwritten signature in blue ink, appearing to read 'Ann M. Bildtsen', is written over a horizontal line.

Ann M. Bildtsen
Assistant U.S. Attorney



U.S. Department of Justice

***United States Attorney
District of Minnesota***

600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

(612) 664-5600

June 18, 2012

Richard Sletten, Clerk
United States District Court
202 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Re: *United States of America ex rel. Andrew Ellis, Harriet Ellis, Michael W. Blodgett v. City of Minneapolis et al.*, 11-SC-416 PJS/JJK (UNDER SEAL)

Dear Mr. Sletten:

Enclosed for filing, together with a Certificate of Service, is the original United States' Notice of Election to Decline Intervention in regard to the above-entitled matter. Copies of the Notice have been forwarded under separate cover to the Honorable Patrick J. Schiltz. A proposed Order has been sent to the Honorable Patrick J. Schiltz via email.

Relators are being served by copy of this letter with a copy of the Notice and proposed Order.

Sincerely,

B. TODD JONES
United States Attorney

BY: ANN M. BILDTSSEN
Assistant U.S. Attorney

AMB:ark

Enclosures

cc: (w/enclosures as listed)
Andrew Ellis
Harriet Ellis
Michael Blodgett

RECEIVED
12 JUN 18 PM 4:46
CLERK U.S. DIST. COURT
MINNEAPOLIS, MN

